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Attorneys for Defendants
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Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability
company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23

**PROPOSED ORDER RE: INDIVIDUAL
DEFENDANTS' MOTION FOR
ATTORNEYS' FEES AND COSTS
PURSUANT TO CCP SECTION 425.16(c)**

Date: March 15, 2019
Time: 10:00 a.m.
Dept: 23 (Complex Civil Litigation)
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
TRIAL DATE: April 25, 2019

CIV533328
ORD
Order
1740119



FILED
SAN MATEO COUNTY

APR 02 2019

By Clerk of the Superior Court
DEPUTY CLERK

1 On September 14, 2018, Defendants Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel
2 Lessin, Michael Vernal, and Ilya Sukhar (the "Individual Defendants") filed their Motion for Attorneys'
3 Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) ("Motion"). On March
4 15, 2019, the matter came before the Honorable Raymond V. Swope for hearing in Department 23,
5 Courtroom 8A. Having read and considered the respective motions, the memoranda, declarations, and
6 supporting papers, the Court finds as follows.

7 Attorneys' fees awarded to a defendant prevailing on an Anti-SLAPP motion must be just but
8 reasonable. Factors to be considered in the determination of fees include the nature of the litigation, its
9 complexity, the amount at stake, and the attorneys' skill employed in handling the litigation. *See, e.g.,*
10 *Maughan v. Google Tech., Inc.* (2006), 143 Cal. App. 4th 1242, 1264. Here, the Court has given
11 attention to the success of the attorneys' efforts, their experience in the particular type of work involved,
12 the intricacies and importance of this litigation, and the necessity for skilled legal training.

13 In the present case, the Court finds that this case is a case of significant complexity, which has
14 been rigorously litigated. The Court finds that the case could not have been competently presented
15 without the full participation of the Individual Defendants' several legal counsel. Furthermore, the Court
16 has significant experience with attorney billing rates in the San Francisco Bay Area and San Mateo in
17 particular. The Court finds that billing rates of \$620/hour for a senior, principal attorney and between
18 \$410/hour and \$475/hour for associates are modest and within the ballpark in the legal community. The
19 Court therefore adopts its tentative ruling as the order of the Court.

20 IT IS HEREBY ORDERED:

21 The Individual Defendants' Motion for Attorneys' Fees and Costs Pursuant to California Code of
22 Civil Procedure Section 425.16(c), filed on September 14, 2018, is GRANTED in the amount of
23 \$77,649.10 against Plaintiff SIX4THREE, LLC. (Code Civ. Proc. §425.16, subd. (c)(1).)

24 Defendants' requested fees are exorbitant and are reduced to \$77,649.10 as follows:

- 25 1) Time Spent on the anti-SLAPP-Motion: \$24,426.60 for 55.8 hours, which is a 40%
26 reduction from the requested \$40,711.00 for 93 hours;
- 27 2) Time spent on Reply ISO anti-SLAPP: \$12,319.00 for 28 hours, which is 100% of the
28 requested amount;

